

Minutes

Meeting: Council on Coastal Futures (CCF)

Date: May 2, 2003

Place: NOAA Coastal Services Center
North Charleston, SC

Present:	William W. Jones, Jr., Chairman	Hank Johnston
	Jesse Dove, Vice-Chairman	Sen. John Kuhn
	William D. Baughman	Tom Leath
	Dana Beach	Rep. Dwight Loftis
	Paul G. Campbell, Jr.	John Miglarese
	James S. Chandler, Jr.	John Settle
	Barbara Catenaci	Jack W. Shuler
	James Frazier	Mike Wooten
	Fred Holland	

Absent: Barrett Lawrimore
Ellison D. Smith, IV

Chairman Jones called the meeting to order at 9:30 a.m. The secretary called the roll. There were 17 members present, establishing a quorum. David McNair, facilitator for the council, opened the meeting with prayer.

Chairman Jones stated that in compliance with the South Carolina Freedom of Information Act, the news media and concerned citizens were notified of this meeting.

The following agenda items were addressed:

ADMINISTRATIVE ITEMS

Approval of minutes: Chairman Jones asked if there were any additions or corrections to the minutes of the March 7 and April 4, 2003, meetings. Dr. Miglarese made a motion, with a second by Ms. Catenaci, to adopt the minutes as mailed. The motion carried.

Meeting outcomes:

Finalize Permitting Process Recommendations for CCF Consideration:

The Chairman stated that of the 7 recommendations under this topic:

1. Alternative dispute resolution for appeals – this had been taken care of the last meeting.

3. Establish a timeline for permit processing and action,
 4. DHEC's denial or refusal to issue a permit based on the objection of another resource agency,
 7. Streamline the permitting process – these three would be addressed at today's meeting.
2. Consolidate/coordinate the issuance of OCRM and Water Quality Certification into one permitting process, and
 5. Eliminate the provision that calls for an automatic stay upon appeal of a valid DHEC permit, and
 6. Upon appeal, appellant must demonstrate standing - these three would be addressed at the June meeting.

The Chairman then gave an update on the status of recommendation 5. He stated that the scheduled presentations for today by the Tourism Council and DHEC on this issue had been postponed until the June meeting. He reported that legislation that eliminates the automatic stay had been filed since the April meeting of this group. He also reported that a meeting had been scheduled for mid-May by some other groups to discuss this issue. He presented three options for this council to consider:

1. Defer this item until the next meeting, hear the presentations by the Tourism Council and DHEC at that time, and decide on the issue;
2. Deal with the issue today without the benefit of the presentations; or
3. Take it off the table.

There was lengthy discussion by the council regarding the proposed legislation and the parallel meeting to address this issue. The consensus of the council was that they were concerned about a meeting being held to discuss, and possibly undermine, an issue that they felt should be addressed by the CCF, which would much better serve the public process. **A motion was made and seconded to:**

Recommend that the meeting of the other group in mid-May not take place, that the Council on Coastal Futures meet with the Governor's office (with the assistance of the Legislators on this council in setting up this meeting) to discuss this issue and the role of this council, and that this body hear further discussion at its June 2003 meeting.

The motion carried with a vote of 14 ayes and 1 nay.

CCF recommendations - process for transmitting decisions to DHEC Board:

David McNair stated that the DHEC Board and the OCRM Appellate Panel would be given monthly updates, for information only, on any recommendations made by this council and the substantive discussion. If the DHEC Board heard an issue as information and desired acting on it, that would certainly be at their discretion. All recommendations and related information of the CCF will also be provided in the final report of this council in May 2004.

Staff report – Publicizing council member contact information and opportunities for public input:

David McNair reported that a press release did go out with copies to council members and was also posted on the web page with the contact information for CCF members.

Case Study Subcommittee Report:

Subcommittee Chairman Jesse Dove reported that the subcommittee had communicated by E-mail and had determined that Recommendation 1 had been resolved at the last meeting and three more would be resolved today. With council discussion on these recommendations, the subcommittee felt there would be duplication if case studies were discussed. He recommended that the case studies not be done. However, OCRM staff would refer to cases when giving their presentations. He said the time frame would be addressed.

PUBLIC FORUM

The public was invited to speak to the council with a 30-minute time limit.

Carl Dipace, commercial fisherman, vice chairman of the SC Seafood Alliance and concerned citizen, addressed the council. He voiced his concerns about the protection of the state's natural resources and OCRM's permitting process. He was particularly concerned about the issuance of after-the-fact permits by OCRM. He answered questions from the council and stated he would write a letter to the CCF with a firm recommendation regarding stopping the after-the-fact permitting.

FINALIZING PERMITTING PROCESS RECOMMENDATIONS

David McNair presided over the discussion of the following CCF Priority 1 topics.

Recommendation 3 - Establish a timeline for permit processing and action:

Richard Chinnis, Director of OCRM Regulatory Programs Division, presented an overview of the permit processing time lines. He explained the bar graphs containing historic time line information regarding certification turnover times and critical area permit turnover times that previously had been sent to council members. He stated that the OCRM staff recommendation would be that the historic record shows a timely turnover for staff and applicants and, therefore, the time frame standards as they are now should be continued. Council member Mike Wooten requested that a chart reflecting EQC's permit processing time frames be provided to the council at the June meeting. The council discussed topics that included the permitting processes, the appeal process and mediation, staff's review procedures for various permit applications, and public notice digital contents and response times.

A motion was made and seconded to:

Recommend that OCRM include in their mailed and web page stormwater public notices: a copy of the application form, the site plan showing wetland impacts (if applicable), and a copy of the location form.

The motion was unanimously passed.

There was further discussion on the critical area permitting for docks including appeals and mediation processes and time lines.

A motion was made and seconded to:

Recommend supporting the current permit processing time lines as recommended by OCRM staff.

The motion unanimously carried.

Recommendation 4 – DHEC should not deny or refuse to issue a permit based on the objection of another resource agency unless the objection is deemed material:

Richard Chinnis presented background information on this topic. He reported that OCRM has 11 memoranda of agreement (MOA) in place affirming the positions of the agencies involved. These should be revisited due to restructuring of state government. He went over the wording of one MOA with the Department of Archives and History and the Institute of Archaeology and Anthropology that addresses cultural resources and directly impacts the time lines. He made these recommendations for rewriting this MOA:

1. Explicitly spell out OCRM's authority as it relates to cultural resources;
2. Refine (tighten) the comment time line;
3. Have the permit approval tied to the MOA, not the final report approval;
4. Clearly describe DHEC-OCRM as the final permitting authority.

These recommendations were discussed at length, and the council agreed that Chinnis' recommendation #2 regarding time lines would be taken off the table and not be addressed in CCF recommendations.

A motion was made and seconded to:

Make Richard Chinnis' recommendations 1, 3, and 4 part of the CCF's recommendation on MOAs under topic 4 in its permitting process recommendations.

The motion unanimously carried.

Recommendation 7 – Streamline the stormwater permitting process by letting PE stamps suffice from an evidentiary standpoint on matters such as erosion control:

David McNair reviewed comments regarding this issue by Joe Fersner, OCRM Manager of Engineering and State Certification, at the previous meeting. After discussion of liability, other alternatives, and process, the CCF unanimously agreed not to pursue this recommendation.

New recommendations:

David McNair identified two new topics under the permitting process to be considered for recommendations by the council. Chairman Jones stated he would like to see the additional item of fast tracking process for economic development added to the list of permitting process recommendations. Jimmy Chandler also recommended considering the life of a permit and its conditions. While taking a lunch break, CCF heard comments from Mike Rowe of SCDHEC/EQC regarding the fast track process. There was lengthy discussion on the both these topics, and it was agreed that the CCF would further address these new topics at the June meeting. The Chairman requested that staff make recommendations regarding these topics at that time.

DHEC-OCRM PLANNING DIVISION and LOCAL GOVERNMENT NEEDS ASSESSMENT:

For background information for the Priority 2: Assistance to Local Governments issues, Steve Moore, Director of the OCRM Coastal Planning Division, gave a presentation on coastal planning. He described the Special Area Management Plans (SAMPs) conducted by OCRM at the requests of local governments, i.e., the Charleston Harbor Project, the Beaufort County

SAMP, and currently, the Cooper River Corridor SAMP, the Murrells Inlet SAMP, and the enlargement of the Georgetown SAMP. He gave an overview of other planning projects such as OCRM's Information Clearinghouse, the Section 6217 projects, and the drainage study for a watershed and wetland restoration project for Filbin and Noisette creeks in North Charleston. Mr. Moore entertained questions from the council regarding these projects.

Mr. Moore then reported on a local governments needs assessment conducted two years ago by OCRM (copies distributed) in which OCRM surveyed all local governments in the coastal counties. He stated there were three categories of questions asked on the survey: 1) natural resources information use and needs; 2) technological access to GIS and the Internet; and 3) how well OCRM is responding to their needs. He presented charts and slides reflecting the results of the survey. Mr. Moore had grouped the responses into four categories: Technical Assistance/Education, Regulatory, Planning and General Comments. There was much discussion about the types of assistance desired from the local governments, particularly GIS coordination and planning information, and how these needs can be met and by whom. Mr. Moore reported on how the Planning Division is trying to meet some of these needs with OCRM's expertise and limited resources and funding levels. Chris Brooks, DHEC Deputy Commissioner of OCRM, stated that with limited resources OCRM could do only so much. However, he named four areas where he thinks OCRM's expertise should be utilized: critical area management, fresh water wetlands, beaches, and stormwater management.

ASSISTANCE TO LOCAL GOVERNMENTS RECOMMENDATIONS - DISCUSSION

David McNair led the discussion on the Priority 2 topics. He noted that the main points that came from the preceding discussion were: GIS compatibility, the Info Clearinghouse, short-term vs. long-term funding, collaborative resources, and the model chapter outline in the comprehensive plan. He stated that the main thing to establish today would be to identify good resources to give presentations to the CCF to help formalize recommendations on assistance to local governments in June and August. Then in September, the council would finalize the resource management issues. Some of the suggestions for speakers and topics were:

- Bob Becker – land use planning model
- Bart Sabine – Sabine & Waters
- Jim Chaffin – Smart Growth, land development impacts
- Cluster zoning
- Information and expertise sharing – Belle Hall Charrette
- Chris Marsh – Spring Island
- Coastal Services Center
- Smart Growth and Quality of Life committees

Chris Brooks noted that the president of the Forestry Association wants time to speak in June. Dr. Miglarese also requested that the council hear from any individuals who have made appeals in order to hear their side.

After extensive discussion, **a motion was made and seconded to:**

Recommend that DHEC/OCRM be a participant in the GIS data coordination.

The motion carried unanimously.

GOVERNOR’S TASK FORCE ON QUALITY OF LIFE

Mayor Hank Johnston and Dana Beach gave a joint report on the task force for information purposes to ensure that the CCF and the task force did not duplicate effort. They covered the areas of focus for the task force’s possible recommendations. They discussed some of the recommendations already formulated and gave some background information for them. Elizabeth Hagood, Quality of Life Task Force member, also explained how the Quality of Life Task Force recommendations came about. They answered questions about the recommendations and the process of the task force.

RESOURCE MANAGEMENT ISSUES

David McNair explained that the intent was to elect a subcommittee to look at these Priority 3 issues and advise the council at the June meeting. Vice Chairman Dove stated that the Chairman had to leave the meeting and had requested that selection of a subcommittee for these issues be deferred until the June meeting. Chris Brooks commented that it may be more effective to have several subcommittees to look at these many issues, but certainly a committee to do ground work for the CCF on these issues. He noted that these issues would require expert input, and the council needed to think about from whom they would like to receive information on these issues.

MEETING WRAP-UP AND NEXT STEPS

The next meeting will be in Beaufort on Friday, June 6. An information packet will be sent out that will include directions to the meeting. Debra Hernandez, OCRM Director of Program and Policy Development, stated that the priority charts included information received by this date. The charts are for organization purposes and they will be constantly updated to include new information and recommendations. David McNair reminded the council to sign their travel vouchers and leave their notebooks to be updated for the next meeting. This meeting adjourned at 3:30 p.m.

Gail W. Phipps
SCDHEC/OCRM

Date approved by Council